

Decision \_\_\_\_\_

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Enron Energy Services, Inc., and  
Enron Energy Marketing Corp.,

Complainants,

vs.

Southern California Edison Company,

Defendant.

Case 01-08-041  
(Complaint filed August 30, 2001;  
Cross-Complaint filed October 17,  
2001)

Southern California Edison Company,

Cross-Complainant,

vs.

Enron Energy Services, Inc., and  
Enron Energy Marketing Corp.,

Cross-Defendants.

**ORDER OF DISMISSAL AND REFUND OF DEPOSIT**

Plaintiffs and cross-defendants, Enron Energy Services, Inc., and Enron Energy Marketing Corp., request that Case (C.) 01-08-041 be dismissed with prejudice.

Defendant and cross-complainant, Southern California Edison Company, requests that the cross-complaint in C.01-08-041 be dismissed without prejudice.

Complainants, Energy Service Providers, complained that defendant failed to accurately reflect credit balances in complainants' direct access accounts, in violation of defendant's Tariff Rule 22. Defendant denied that it violated its tariffs and cross-complained for payments erroneously made to complainants.

At the request of the parties, this proceeding was taken off-calendar to facilitate resolution. During the period when it was off-calendar defendant billed complainants' direct access accounts for electricity provided. Complainants disputed the charges and paid the disputed amounts to the Commission to be disbursed to the prevailing party. At this time there is \$9,715,860.28 plus interest being held by the Commission. The parties, having resolved their differences, request dismissal. The parties have requested in writing that the money on deposit with the Commission be disbursed to complainants.

#### **Waiver of Comment Period**

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Pub. Util. Code § 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

### **O R D E R**

#### **IT IS ORDERED** that:

1. The complaint of Enron Energy Services, Inc., and Enron Energy Marketing Corp. (complainants), is dismissed with prejudice.
2. The cross-complaint of Southern California Edison Company is dismissed without prejudice.

3. The \$9,715,860.28 plus accumulated interest shall be disbursed to complainants.

4. This proceeding is closed.

This order is effective today.

Dated \_\_\_\_\_, at San Francisco, California.